

REMARKS

Applicants appreciate the Examiner's careful review of the present application, and respectfully request reconsideration in light of the preceding amendments and following remarks.

By this amendment, the specification is amended in better compliance with commonly accepted US patent practice. Claims 10-18 are cancelled without prejudice or disclaimer. New claims 19-30 are added to provide Applicants with the scope of protection they are believed entitled to. Claims 19-29 are readable on the elected invention. Claim 30 is not readable on the elected invention, and is presented for rejoinder and consideration upon allowance of claim 25 from which claim 30 depends. Hence, claims 19-30 are pending in this application. The new claims find solid support in the original specification and drawings, especially FIGs. 1-2 and paragraphs 0033, 0050-0052 of the application publication. No new matter has been introduced through the foregoing amendments.

The objections to the specification and Abstract as manifested in the Office Action are believed overcome in view of the above amendments.

The objection to and rejection of claim 13 as manifested in the Office Action are moot as claim 13 has been cancelled.

New independent claim 19 recites a self-expanding and self-undercutting bolt comprising, among other things, “an anti-rotation head ... radially projecting beyond a nominal diameter of the dowel to engage a wall of the hole in which the bolt is to be fastened to prevent rotation of the counter-dowel about an axis of the bolt.” Applicants respectfully submit that, *Fisher* and *Huang*, either alone or in combination, do not disclose or suggest at least this feature.

More specifically, in *Fisher* at Fig. 1, the element that appears to be most relevant to the claimed anti-rotation head is the safety element 11 as noted in the Office Action. The safety element 11 which projects from an end side of the spreading cone 2 presses against a bottom 12 of the borehole 10. *See* column 2, lines 66-68 of *Fisher*. However, unlike the recited anti-rotation head “radially projecting beyond a nominal diameter of the dowel to engage a wall of the hole in

which the bolt is to be fastened to prevent rotation of the counter-dowel about an axis of the bolt”, the safety element 11 of *Fisher* does not radially project beyond the nominal diameter of the plug shaft 3. *See* Fig. 1 of *Fisher*. Thus, *Fisher* does not teach or suggest the claim feature.

Moreover, the reference of *Huang* fails to remedy the deficiency. *Huang*, at paragraph 0010, discloses a bolt shank 1 which appears to have, among other things, an expansion cone 5 with a score structure 11 to expand of the expansion sleeve 6. However, *Huang* is silent regarding any anti-rotation head to prevent rotation of the bolt, let alone an anti-rotation head radially projecting beyond a nominal diameter of the dowel as claimed.

Therefore, *Huang* and *Fisher*, either alone or in combination, do not disclose or suggest the feature “an anti-rotation head... radially projecting beyond a nominal diameter of the dowel... to prevent rotation of the counter-dowel about an axis of the bolt” recited in new claim 19. Accordingly, Applicants respectfully submit that new independent claim 19 is patentable over the applied art of record.

New claims 20-24 depend from new independent claim 19. Therefore, new claims 20-24 are believed patentable over *Huang* and *Fisher* for at least their dependency.

New independent claim 25 recites a self-expanding and self-undercutting bolt comprising, among other things, “an incipient fracture portion, and the ring is connected to the first screwing end of the dowel by the incipient fracture portion which is configured to fail at a predetermined torque level that occurs before the counter-dowel is fully screwed to the dowel, thereby permitting the counter-dowel to be further screwed into the dowel after the ring and the expansion lugs are disconnected from the first screwing end due to the failure of the incipient fracture portion.” Applicants respectfully submit that, *Fisher* and *Huang*, either alone or in combination, do not disclose or suggest at least this feature.

At best, *Fisher*, at column 2, lines 54-59, appears to disclose an outer annular groove 7 which facilitates bending of the spreading segments 6 during a spreading process. In contrary, the recited incipient fracture portion is configured to fail at a predetermined torque level that occurs before the counter-dowel is fully screwed to the dowel. The claim feature find support in at least the groove 15 upon the fracture of which, the stresses are relieved and the ring 16 locked by the

undercut locks the dowel with respect to its depth, and then the counter-dowel is further screwed into the dowel. *See*, e.g., the specification as filed at page 7, lines 15-22. Hence, the recited incipient fracture portion clearly distinguishes over the outer annular groove of *Fisher*.

Furthermore, the reference of *Huang* fails to remedy the deficiency. Nowhere does *Huang* disclose or suggest any “incipient fracture portion... which is configured to fail at a predetermined torque level that occurs before the counter-dowel is fully screwed to the dowel” as recited in new independent claim 25.

Accordingly, Applicants respectfully submit that new independent claim 25 is patentable over the applied arts of record.

New claims 26-29 depend from new independent claim 25. Therefore, new claims 26-29 are believed patentable over *Huang* and *Fisher* for at least their dependency.

New claim 30 recites a method of fastening a guard rail to a concrete slab by means of a self-expanding and self-undercutting bolt of claim 25. Therefore, claim 30 is believed to be allowable for the reasons with respect to claim 25. Rejoinder and consideration of claim 30 upon allowance of claim 25 is believed appropriate and therefore respectfully requested.

CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Benjamin L. Hauptman
Registration No. 29,310

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: December 17, 2010
BJH:KL/HH